

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

Case No.: 1:16-cv-38-HSO-JCG

**NORTH SUNFLOWER MEDICAL CENTER,
NORTH SUNFLOWER MEDICAL FOUNDATION,
FRANKLIN COUNTY MEMORIAL HOSPITAL.,
FRANKLIN COUNTY MEMORIAL HOSPITAL MEDICAL FOUNDATION,
TALLAHATCHIE GENERAL HOSPITAL AND EXTENDED CARE FACILITY,
TALLAHATCHIE GENERAL HOSPITAL MEDICAL FOUNDATION,
PERFORMANCE ACCOUNTS RECEIVABLE, LLC,
PERFORMANCE CAPITAL LEASING, LLC,
STEPPING STONES HEALTHCARE, LLC,
WELLNESS ENVIRONMENTS, INC.,
WADE WALTERS, CLAYTON V. DEARDORFF,
MIKE BOLEWARE, HOPE THOMLEY,
DENNIS L. PIERCE, and PIERCON, INC.**

DEFENDANTS

MOTION FOR EXTENSION OF TIME TO FILE ANSWER

COME NOW, Performance Accounts Receivable, LLC, Performance Capital Leasing, LLC, and Wade Walters (collectively referred to herein as “Walters”), by and through undersigned counsel, and reserving all rights to assert all defenses, including without limitation, the following defenses: lack of jurisdiction over the subject matter, lack of jurisdiction over the person, improper venue, insufficiency of process, insufficiency of service of process, failure to state a claim upon which relief can be granted, failure to join a party under Rule 19 of the Federal Rules of Civil Procedure, arbitration and award, assumption of risk, contributory negligence, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, waiver, and any other matter constituting an avoidance or affirmative defense; and hereby moves this Court for extension until December 13, 2017, within which to serve their

initial response to the Plaintiffs' Complaint in the above styled and numbered civil action, and in support of said Motion, would show unto the Court as follows:

1. The undersigned counsel has recently been retained to represent Walters in this matter, and has received a copy of the complaint, but has not had sufficient time to prepare an initial responsive pleading.

2. The attorney for the Plaintiffs, J. Brad Piggot has spoken with Walters' counsel, Samuel S. McHard, and advised that he has no objection to Walters' request for extension of time within which to answer the Complaint in this matter until December 13, 2017.

3. Undersigned counsel is presently in the process of investigating facts material to the allegations contained and alleged in the Complaint. The completion of such inquiry will reasonably require the additional time now sought within which to respond to the Plaintiffs' Complaint.

4. Walters will be unable to properly plead in this action until the conclusion of the inquiry.

5. Walters has not previously sought an extension of time in which to respond to this matter, and that the award of the additional time sought will not delay an orderly disposition of this action.

WHEREFORE, PREMISES CONSIDERED, Defendants, Performance Accounts Receivable, LLC, Performance Capital Leasing, LLC, and Wade Walters, request that this Court enter an Order granting them until December 31, 2017, within which to serve their initial responsive pleading to the Complaint in this matter.

This the 21st day of November, 2017.

Respectfully submitted,

s/Samuel S. McHard

SAMUEL S. McHARD, MSB #100295

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been electronically filed with the Clerk of Court, Southern District of Mississippi, using the CM/ECF filing system, which will send notification of said filing to all counsel of record.

THIS the 16th day of November, 2017.

s/Samuel S. McHard

SAMUEL S. McHARD, MSB #100295